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BROWNBACK CALLS FOR GOVERNMENT REFORM, RETURN TO CONSTITUTION

WASHINGTON – U.S. Sen. Sam Brownback today testified before the House Government Reform Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, continuing his efforts for government reform. Brownback is sponsor of the Congressional Responsibility Act in the Senate (S.1348), which would return all law making responsibilities to the legislative branch of federal government.

“The underlying issue before us today is not about regulatory reform, or even about the unmitigated power of federal agencies – it’s about the Constitution – and it is about Congress,” Brownback said.

“For much of this century Congress has abdicated one of its most fundamental responsibilities – the creation of law – to unelected, unaccountable bureaucrats in the executive branch of the federal government. The Congressional Responsibility Act of 1999 – introduced by Congressman J.D. Hayworth in the House (H.R.2301) and sponsored by myself in the Senate – is being considered before us today. This legislation is about returning power to Congress, and ultimately it’s about returning power to the people who elected us.

“The myriad rules and regulations promulgated by executive branch agencies have the full force of law; and yet the Congress is not accountable. Our constituents can be taxed, fined, even imprisoned and all without any Congressional action.

“For the first 150 years of our republic, the Supreme Court held that the transfer of legislative powers to another branch of government was unconstitutional. In the late 1920s, the Supreme Court, essentially succumbing to political expediency, reversed itself and upheld a law which allowed Congress to delegate its authority. The case, *J.W. Hampton, Jr. & Co. v. United States*, started Congress down a slippery slope. Since then, Congress has ceded its basic legislative responsibility to executive branch agencies that craft and enforce regulations with the full force of law.

“Perhaps the most pernicious aspect of delegation is that voters can no longer hold government accountable. Originally designed to be the most accountable branch of government, Congress has grown increasingly irresponsible. The fundamental link between voter and lawmaker has been severed. A handful of broadly written laws has spawned a virtual alphabet soup of government agencies and an overwhelming regulatory burden that undermines the very idea of representative government. In short, the executive branch has assumed the law-making authority given to the Congress. This is wrong.

“The Constitution has suffered greatly this century. We need to restore it to its rightful preeminence as the guarantor of our freedoms, the protector of our liberties, and the guiding force for our form of government. Delegation is as wrong today as taxation without representation was in the 1700s. With enactment of this legislation, we will send a clear message to the bureaucrats in Washington and to the American people at home: Congress must not delegate its constitutionally-granted powers,” Brownback said.

The Congressional Responsibility Act calls for all rules and regulations to go through the Congress before being enacted into law. Congress would then have an up or down vote on the proposed rule or regulation before it could take effect. The bill provides for consideration of rules and regulations in an expedited manner, unless a majority of Members vote to send it through the normal legislative process. Under the bill, if Congress did not act, the rule would, by default, die. Such an approach puts Congress back in control of the legislative process, and it ends the practice of delegation without representation.